

# ESSA UPDATES & THE USE OF FEDERAL AND LOCAL FUNDS

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# LEARNING OBJECTIVES

- What kind of questioned costs has ED allowed/disallowed?
- What must LEAs consider when using federal and local funds together?
- What are the fiscal requirements for Title I and other ESSA programs (supplanting/MOE)?
- How have Title II and Title III changed under ESSA?
- What are the rules & flexibilities under the Title IV-A block grant?

# ESSA'BOUT COMPLIANCE

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Monday, October 23, 2017

## Father-and-Son Executives of Tutoring Companies Sentenced to Federal Prison in Connection with \$11 Million Fraud Scheme

CHICAGO — The father-and-son executives of two suburban Chicago tutoring companies have been sentenced to federal prison for orchestrating an \$11 million fraud scheme that bilked more than 100 school districts around the country, including Illinois.


From 2008 to 2012, JOWHAR SOULTANALI and his son, KABIR KASSAM, fraudulently obtained funds from the school districts by misrepresenting the nature of their companies' tutoring services and falsely inflating invoices for tutoring work that was never performed. Soutanali and Kassam also paid bribes to school officials and teachers to make sure the fraud was not detected. The bribes included a Caribbean cruise for an assistant principal in Texas and an outing to a gentleman's club for a state education official in New Mexico.

Soutanali, 62, of Morton Grove, Ill., and Kassam, 38, of Wheeling, Ill., each pleaded guilty last year to one count of mail fraud. U.S. District Judge Amy J. St. Eve on Friday sentenced Soutanali to six years in prison, and Kassam to five years and ten months in prison.

The sentencing was announced by Joel R. Levin, Acting United States Attorney for the Northern District of Illinois; John P. Selleck, Acting Special Agent-in-Charge of the Chicago office of the Federal Bureau of Investigation; and Thomas D. Utz Jr., Special Agent-in-Charge of the North Central Region of the U.S. Department of Education Office of Inspector General. The Chicago Public Schools Office of Inspector General assisted in the investigation.

"Defendants abused the trust that the Department of Education placed in them to carry out a massive fraud that was not merely extensive, but also egregious," Assistant U.S. Attorneys Kruti Trivedi and Barry Jonas argued in the government's sentencing memorandum. "The fraud in this case had a significant impact on both the failing school districts that allocated their federal funds to defendants and on the students at those school districts."





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FOR IMMEDIATE RELEASE

Friday, October 13, 2017

**DeSoto Woman Sentenced for Embezzling \$1.6 Million from  
Grandview School District**

St. Louis, MO – Angela Huskey, was sentenced to 63 months in prison on mail fraud charges in connection with her embezzlement of approximately \$1.6 million from the Grandview R-2 School District. She was ordered to pay \$1,813,900.63 in restitution.

According to court documents, Huskey worked for Grandview for more than 20 years, being elevated to the position of business manager in 2009. In court today, Huskey admitted that she embezzled no less than \$1.6 million from the school district during that time, falsifying the school district's records to conceal her crimes. In some cases, Huskey admitted, she concealed her embezzlement by inflating the reported wages for other employees of the school district, causing those individuals to pay excess taxes to the Internal Revenue Service. As a result, those individuals paid an additional \$13,368.28 in income taxes they did not in fact owe.

Huskey, 51, DeSoto, MO, pled guilty in June to one felony count of mail fraud and appeared today for sentencing before United States District Judge Rodney W. Sippel.

The case was investigated by the Federal Bureau of Investigation. Assistant United States Attorney Gwen Carroll is handling the case for the U.S. Attorney's Office.

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# THE UGG'LY TRUTH ABOUT ALLOWABILITY



# ALLOWABILITY

## 200.403



### All Costs Must Be:

1. Necessary, Reasonable and Allocable
2. Conform with federal law & grant terms
3. Consistent with state and local policies
4. Consistently treated
5. In accordance with GAAP
6. Not included as match
7. Adequately documented

# QUESTIONED COSTS



# 1. ADVERTISEMENT

Are costs associated with advertising in media such as newspapers, radio and television, direct mail, or email allowable?

- a) Yes
- b) No
- c) It Depends



## 2. FOOD

May Franklin Elementary School use Title I funds to purchase light snacks and water for a parent meeting?

- a) Yes
- b) No
- c) It Depends



### 3. FOOD (AGAIN)

May Franklin Elementary School use Title I funds to purchase light snacks and water for a staff meeting?

- a) Yes
- b) No
- c) It Depends





## 4. FOOD (YET AGAIN)

May Franklin Elementary School use Title I funds to purchase light snacks and water for a staff meeting if the meeting is all day, in the middle of the woods and its 100 degrees outside with killer mosquitoes?

- a) Yes
- b) No
- c) It Depends





## 5. CLERICAL STAFF

Under ESSA, can Title I funds be used to pay for salaries of clerical/ administrative support staff?

- a) Yes
- b) No
- c) It Depends



## 6. INCENTIVES

To increase their assessment scores, Roosevelt Elementary wants to give students an incentive so if a student attends after school tutoring for the year, the student will receive a gift certificate for a pizza. Is this allowable under Title I?

- a) Yes
- b) No
- c) It Depends



## 7. INCENTIVES (AGAIN)

Now, Roosevelt Elementary wants to give students an incentive to study for their annual assessment so when a student is successful, the student will receive a gift certificate for a pizza. Is this allowable under Title I?

- a) Yes
- b) No
- c) It Depends



## 8. COMPUTER NETWORKS

Are the costs associated with an LEA's district wide networks allowable under Title I?

- a) Yes
- b) No
- c) It Depends



## 9. SCHOOL COUNSELING

Can Smith Middle School use Title I funds to pay for a school counselor to provide counseling to all students?

- a) Yes
- b) No
- c) It Depends



## 10. SECURITY MEASURES TO PROTECT EQUIPMENT

Carter High School wants to purchase cameras and other related security devices to protect assistive technology and other equipment purchased with Title I funds. Is this allowable?

- a) Yes
- b) No
- c) It Depends



# 11. FIELD TRIPS

Can a school use Title I funds for field trips?

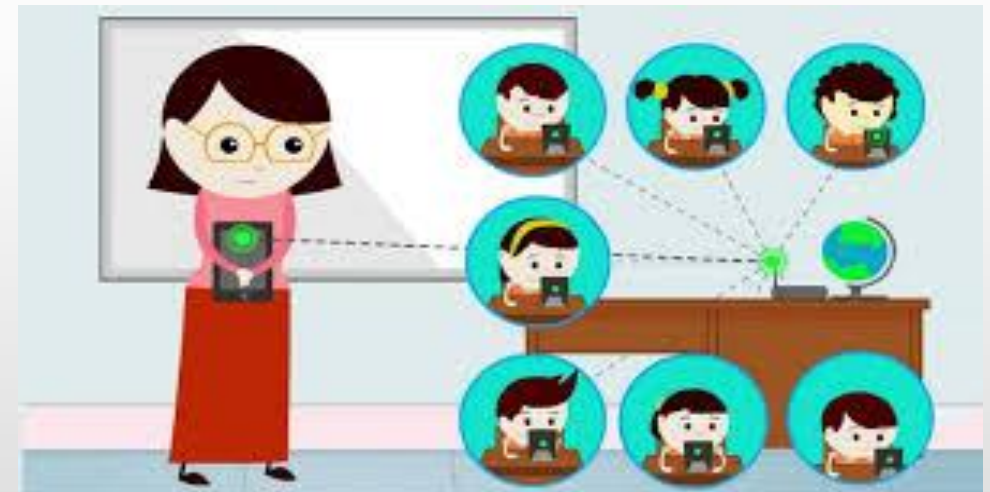
- a) Yes
- b) No
- c) It Depends



## 12. STEM INITIATIVE

Can a District use its Title I funds for a new STEM lab in every school to increase achievement.

- a) Yes
- b) No
- c) It Depends





## 13. PRIVATE SCHOOLS

Can a district reimburse a private school the costs of their teachers attending an academic conference related to improving student achievement?

- a) Yes
- b) No
- c) It Depends



## 14. PARENTAL INVOLVEMENT

Smith Elementary wants to send its parent coordinator to a parental involvement conference. Are the costs associated with registration fees, travel, conference expenses, and other related fees allowable under Title I?

- a) Yes
- b) No
- c) It Depends



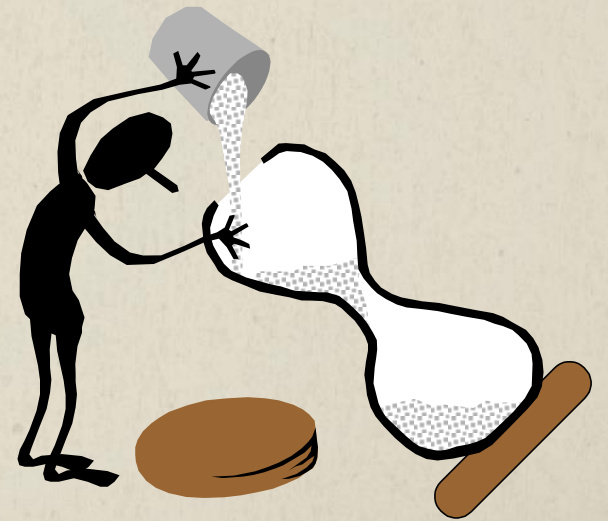
## 15. GIFTS

Can a district employee accept a gift from a contractor as long as it is below the micro-gratuity threshold?

- a) Yes
- b) No
- c) It Depends



**SUPPLEMENT  
NOT  
SUPPLANT**



# AUDITOR'S SNS TEST: THE PRESUMPTIONS OF SUPPLANTING 2 CFR 200, SUBPART F COMPLIANCE SUPPLEMENT

“What would have happened in the absence of the federal funds??”

## 3 Presumptions of Supplanting

1. Required to be made available under other federal, state, or local laws
2. Provided with non-federal funds in prior year
3. Provided services to Title I students and the same services were provided to non-Title I students using non-federal funds.



# TITLE I, A SNS

## SEC. 1118(b)(1)-(2)

Standard: Federal funds must be used to supplement and in no case supplant state, and local resources

Test: To demonstrate compliance, the LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.

- What does this mean?
- The presumptions of supplanting do not apply to Title I, A!

## ESSA TITLE I, A SNS (CONT.)

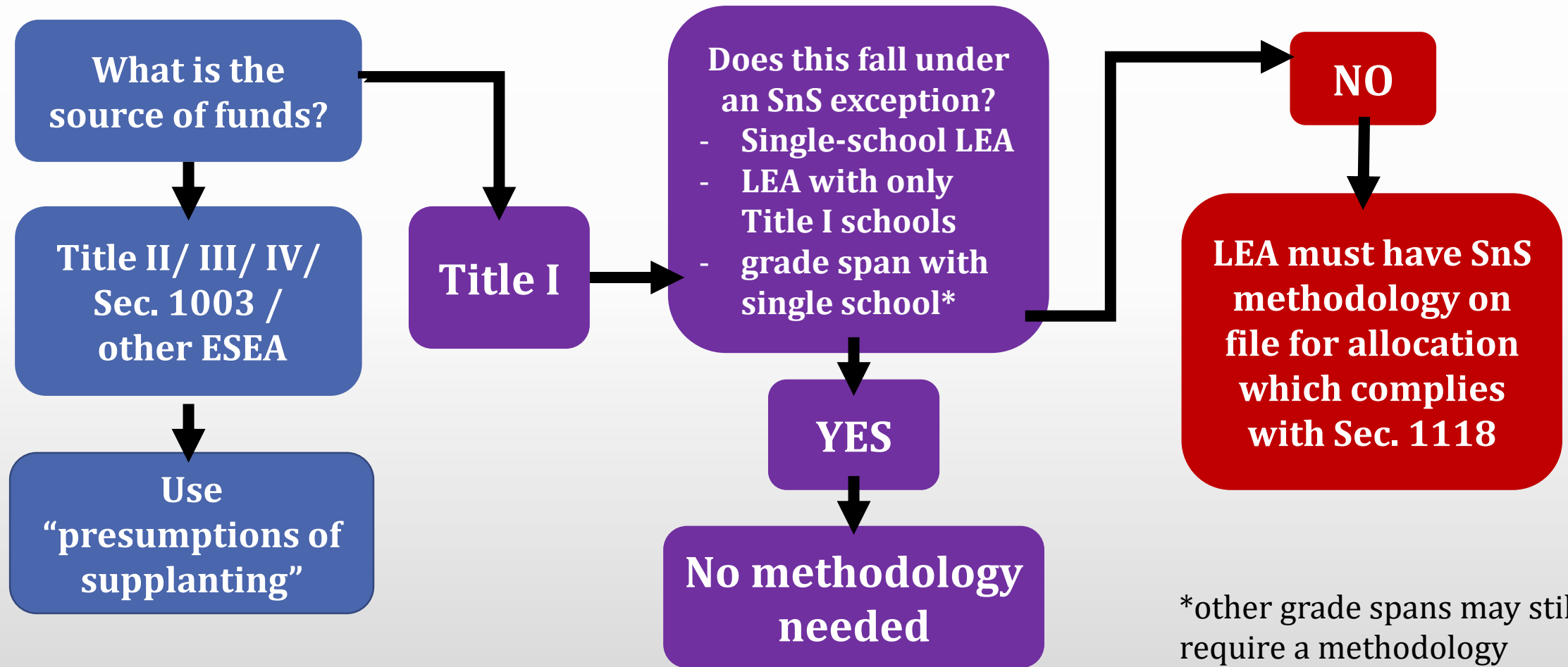
### SEC. 1118(b)(2)-(4)

- No LEA shall be required to:
  - Identify individual costs or services as supplemental; or
  - Provide services through a particular instructional method or in a particular instructional setting to demonstrate compliance.

SNS is now a methodology test:

- The LEA must have a written methodology to district state/local funds to its schools so that funds are distributed without regard to the school's Title I status.
- Must be in place in time for the 18-19 school year.

# SUPPLEMENT, NOT SUPPLANT TESTS





# MAY AN LEA USE A COMBINATION OF METHODOLOGIES?

- Draft ED Guidance (January 2019):  
[https://www2.ed.gov/policy/elsec/leg/essa/snstitleiguiddance.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www2.ed.gov/policy/elsec/leg/essa/snstitleiguiddance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)
- Focus on: “is methodology Title I-neutral?”
- FAQ 7: Combinations are allowed, such as different methodologies for high schools vs. elementary schools or traditional public schools vs. charter schools.

## DOES THIS METHODOLOGY WORK?

- The LEA uses its state/local funding to ensure that each school has enough funds to pay for 1 teacher for every 30 students up to 20 teachers total, and \$5 per student for supplies, up to \$5,000 total.
- At the end of its distribution, the LEA has \$3,000 left over so they distribute it among the non-Title I schools.

# DOES THIS METHODOLOGY WORK?

The LEA distributes its state funds based on the characteristics of students in each school so that students with characteristics associated with educational disadvantage generate additional funding for their school.

The LEA provides:

- \$25 for every student;
- An additional \$25 for each economically disadvantaged student;
- An additional \$50 for each student with a disability; and
- An additional \$35 for each English learner.

## DOES THIS METHODOLOGY WORK?

- The LEA uses its state funding to ensure that each school has enough funds to pay for 1 teacher for every 30 students up to 20 teachers total.
- The LEA provides state funding in each of its 6 non-Title I schools to pay for 20 teachers. In the remaining 4 schools, the LEA provides state funds to pay for 15 teachers because they are already using Title I funds to pay for 5 teachers so they don't need the state funds to cover those additional teachers.

# DOES THIS METHODOLOGY WORK?

The LEA distributes its state/local funds based on the grade level of the student as follows:

- All elementary school students receive \$90 per student;
- All middle school students receive \$65 per student; and
- All high school students receive \$80 per student.

What if only the elementary schools are Title I schools?

# WHAT ABOUT DISTRICTWIDE EXPENDITURES?

- **USDE applying a specific cost test!!??**
  - Examples at NAESPA that apply a specific cost test for district level expenditures.
    - For state-mandated requirements, and
    - For same services to Title I students/schools and Non-Title I students/schools.
  - ED is using the methodology test to apply this specific cost test!

## EXAMPLE OF DISTRICT-WIDE COSTS

- The LEA wants to begin a reading initiative placing a reading coach in every school – paying for Title I schools with Title I funds and non-Title I schools with state funds.
  - According to ED's guidance, this would be a SNS violation because the state funding would not be provided to Title I schools on the same basis as its non-Title I schools (i.e. they are not getting the benefit of the state-funded reading coaches).

## SNS CALCULATION EXCLUSION – 1118(d)

- Under the statute, an LEA may exclude from a supplanting calculation determination *supplemental* non-federal funds expended in any school for programs that meet the intent and purposes of Title I.



## “INTENT AND PURPOSES”

- Under the existing Title I regulations, a program meets the intent and purposes of Title I if it either—
  - Is implemented in a school with at least 40 percent poverty;
  - Is designed to promote schoolwide reform and upgrade the entire educational operation of the school; is designed to meet the educational needs of all students in the school, particularly those who are not meeting State standards; and
  - Uses the State’s assessment system to review the effectiveness of the program;

OR

## “INTENT PURPOSES”

- Serves only students who are failing, or most at risk of failing, to meet State standards;
- Provides supplementary services to participating students designed to improve their achievement; and
- Uses the State’s assessment system to review the effectiveness of the program.

34 CFR 200.79(b)

## LEA METHODOLOGY

- An LEA has significant flexibility in adopting a methodology to meet the new supplement not supplant requirement. The methodology must—
  - Allocate State and local funds to schools in the LEA;
  - Provide each Title I school the State and local funds it would receive were it not a Title I school—i.e., be neutral regarding a school's Title I status.
- An LEA must be able to demonstrate compliance—i.e., that it has implemented its methodology.

## LEA METHODOLOGY: FLEXIBILITY

- January 2019 Draft ED Guidance FAQ #8: In developing methodology, LEA may (but is not required to) consider:
  - Whether to use a single districtwide methodology or a variable methodology/multiple methodologies based on grade band or school type;
  - How the methodology may vary or scale based on student enrollment size; or
  - How the methodology may account for schools in need of additional funds to serve high concentrations of children with disabilities, English learners, or other such groups of students the LEA determines require additional support.

# LEA METHODOLOGY: PER-PUPIL SPENDING

- January 2019 Draft ED Guidance, FAQ #10:
  - ESEA section 1605 prohibits ED from mandating equalized spending per pupil for a State, LEA, or school.
  - This prohibition accounts for the many different factors that affect the allocation of resources to schools, including schools enrolling higher concentrations of students with disabilities, schools with smaller student enrollment, and schools offering specialized programming, any or all of which may result in higher per-pupil spending.
- In other words, an LEA's methodology does not have to result in equal per-pupil spending between Title I and non-Title I schools.



# SNS POP QUIZ QUESTION 1

Gregory Elementary School, a schoolwide school, paid for a math enrichment software program last year using State funds. This year the school wants to use its Title I funds to pay for the program.

Is this supplanting?

Is this allowable?

## SNS POP QUIZ QUESTION 2

Bartlett Elementary, a targeted assistance school, heard about that great math enrichment software program and now wants to purchase it to use for all students using its Title I funds.

Is this supplanting?

Is this allowable?



## SNS POP QUIZ QUESTION 3

Bartlett Elementary, a targeted assistance school, uses Title II funds to help teachers learn how to increase student achievement in mathematics due to implementation of a new, State-required, Calculus for 5<sup>th</sup> Graders assessment.

Is this supplanting?

Is it allowable?

## SNS POP QUIZ QUESTION 4

Bartlett Elementary, the targeted assistance school, still wants that math enrichment software program so now decides to purchase it but proportionately charge the software 20% to Title I, since 20% of the students are Title I students and 80% to state funds, since 80% of the students are non-Title I students.

Is this supplanting?

Is this allowable?

## SNS POP QUIZ QUESTION 5

Homer Middle School uses State and local funding for its teachers to attend a professional development conference. The next year, it uses Title II funds to send additional staff to the conference.

Is this supplanting?

Is this allowable?

## SNS POP QUIZ QUESTION 6

Gerald Middle School has been paying for a digital learning program with its local funds but it now wants to use those funds on other initiatives so the school decides to pay for it next school year with Title IV, A funds.

Is this supplanting?

Is this allowable?

- What if the digital learning program had been paid for previously with Title I, A funds, and the school now wants to use Title IV, A?

# OSSE GUIDANCE

- SNS and MOE Guidance Available online:  
<https://osse.dc.gov/page/new-essa-fiscal-requirements-supplement-not-supplant-and-maintenance-effort-update>
- SNS-specific guidance:  
[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/ESSA%20Title%20I%20Supplement%20Not%20Supplant%20 OSSE%20Guidance%20for%20LEAs.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/ESSA%20Title%20I%20Supplement%20Not%20Supplant%20 OSSE%20Guidance%20for%20LEAs.pdf)



# MAINTENANCE OF EFFORT

# MAINTENANCE OF EFFORT (MOE)

## SEC. 1118(a) AND 8521

- The combined fiscal effort per student or the aggregate expenditures of the LEA
- from state and local funds
- from preceding year must not be less than 90% of the second preceding year

# MOE CONSEQUENCES (CONT.)

## SEC. 8521(b) and (c)

- Exceptions
  - (b): LEA is not subject to sanctions for failing to maintain 90% effort for one year (either combined fiscal per student or aggregate State and agency expenditures) provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years.
  - (c): Secretary of Education may waive MOE if “equitable:”
    - Exceptional or uncontrollable circumstances, such as a natural disaster; or
    - **(NEW)** a change in the organizational structure of the LEA; or
    - A precipitous decline in the financial resources of the LEA.



# OSSE GUIDANCE

- SNS and MOE Guidance Available online: <https://osse.dc.gov/page/new-essa-fiscal-requirements-supplement-not-supplant-and-maintenance-effort-update>
- Optional MOE planning tool:  
[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/ESA%20MOE%20Planning%20Tool Planning%20Only Not%20for%20Reporting.xlsx](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/ESA%20MOE%20Planning%20Tool%20Planning%20Only%20Not%20for%20Reporting.xlsx)

## **II A SUPPORTING EFFECTIVE INSTRUCTION**

## TITLE II, PART A FORMULA SECS. 2101(b) & 2102(a)

- Makes adjustments to formula to focus more heavily on poverty
  - On both State and LEA-level allocations
  - Transitions (by 2020) to allocation of:
    - 20% based on population
    - 80% based on poverty
  - Phases out hold-harmless by 2023





## II A LEA USE OF FUNDS

# TITLE II A

- LEA Application
  - Activities, alignment to standards
  - PD teachers, principals and leaders
  - Priority to schools
    - Comprehensive and targeted support
  - Use of data to improve
  - Assurance re Equitable Participation
  - Assurance PD coordinated

# TITLE IIA LOCAL USES OF FUNDS

- May: Grant or Contract
  - Partner with IHE
- Must: Address needs
  - EL's
  - SWD's
  - Gifted and Talented

## TITLE IIA LOCAL USES OF FUNDS (CONT.)

- Evaluation and support system
  - Teachers, principals, leaders
  - May include student growth
- Recruit, hire and retain
  - Especially in low income – low performing schools

## TITLE IIA LOCAL USES OF FUNDS (CONT.)

- Recruit in other fields
  - Other occupations
  - Former military
  - Recent graduates IHE's
- Reduce class size – Evidence based



## TITLE IIA LOCAL USES OF FUNDS (CONT.)

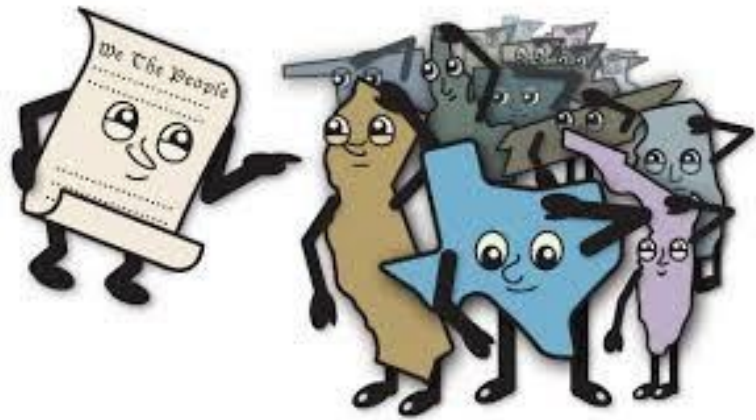
- High Quality PD – Evidence Based
  - Integrate technology
  - Use data – FERPA compliance
  - Parent and family engagement
  - Student skills
  - Experiential learning
- Effective teaching of
  - Students with cognitive disorders
  - EL's

## TITLE IIA LOCAL USES OF FUNDS (CONT.)

- Meet needs of younger children (to 8)
- Assist in selecting formative assessments
- In service to address
  - Children with trauma or mental illness
  - Referrals
  - Partnership with mental health providers


## TITLE IIA LOCAL USES OF FUNDS (CONT.)

- Educator support
- **Career tech integration**
- Other- Evidence based



# TITLE III UNDER ESSA

# LANGUAGE / TERMINOLOGY CHANGES

- NCLB  ESSA
- “Limited English Proficient (LEP)” is now “English Learner (EL)”
  - Not the same as Migrant students!
- “Scientifically based research” is now “Evidence-Based”
- “high quality” is now “effective”
- References to parents now include other family members

# PURPOSES OF TITLE III

## §3102(3-4)

**NEW:** To assist teachers (including preschool teachers), principals and other school leaders, SEAs, LEAs...

- and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;
- to develop and enhance their capacity to provide effective instructional programs designed to prepare ELs, including immigrant children and youth, to enter all-English instructional settings.

## LEA ADMINISTRATIVE EXPENSES

Sec. 3115(b)—DIRECT ADMINISTRATIVE EXPENSES. Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

## SEPT. 2016 GUIDANCE & LEA ADMIN

- A-10
  - Any funds LEA reserves for administrative costs may be used only for direct administrative costs
  - This provides an LEA flexibility to apply its restricted indirect cost rate to the portion of its subgrant that it does not reserve for administrative costs.



# TITLE III EQUITABLE SERVICES

- Remains a requirement for Title III
  - C-6. Applies to both the EL and immigrant youth subgrants.
- Some changes, e.g.:
  - New Consultation Requirements
  - Written Affirmation
  - State Ombudsman
  - State Notice to Private School Officials
- Equitable Services Guidance:  
<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

# LEA-REQUIRED ACTIVITIES

## §3115(c)

- **Effective language instruction educational programs that demonstrate effectiveness in increasing:**
  - English language proficiency
  - Student academic achievement
- **Effective professional development to:**
  - Improve instruction and assessment
  - Enhance the ability of teachers to understand and implement curricula, assessment practices, and instructional strategies
  - Increase English language proficiency or substantially increasing knowledge
  - Of sufficient intensity and duration

# LEA-REQUIRED ACTIVITIES

## §3115(c)

- NEW. Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which--
  - Shall include parent, family, and community engagement activities; and
  - May include strategies that serve to coordinate and align related programs.

# LEA-PERMISSIVE ACTIVITIES

## §3115(d)

*To achieve Title III subgrant purposes by...*

1. Upgrading program objectives and effective instruction strategies
2. Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures
3. Providing to ELs—
  - Tutorials and academic or career and technical education; and
  - Intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators



# LEA-PERMISSIVE ACTIVITIES (CONT.)

## §3115(d)

4. Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services
5. Improving the English proficiency and academic achievement of ELs
6. Providing community participation programs, family literary services, and parent and family outreach and training activities to ELs and their families—
  - To improve English language skills of ELs; and
  - To assist parents and families in helping their children improve their academic achievement and becoming active participants in the education of their children.

## LEA-PERMISSIVE ACTIVITIES (CONT.)

### §3115(d)

7. Improving the instruction of ELs, which may include ELs with a disability, by providing for—
  - The acquisition or development of educational technology or instructional materials;
  - Access to, and participation in, electronic networks for materials, training, and communication; and
  - Incorporation of the resources described above into curricula and programs, such as those funded under Title III-Part A.

## LEA-PERMISSIVE ACTIVITIES (CONT.)

### §3115(d)

8. NEW. Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education
9. Carrying out other activities that are consistent with the purposes of this section

# EARLY COLLEGE HIGH SCHOOL & DUAL OR CONCURRENT ENROLLMENT

- A-19. Valuable opportunity to promote college and career readiness for ELs and to bridge their transition to postsecondary education
- A-20. Definition of “Dual or Concurrent Enrollment Program” (ESEA Sec. 8101(15))
- A-21. Definition of “Early College High School” (ESEA Sec. 8101(17))



## TITLE III SNS PROVISION, §3115(g)

*Federal funds made available under this subpart shall be used so as to supplement the level of **Federal**, State, and local public funds that, in the absence of such availability, would have been expended for programs for ELs and immigrant children and youth and in no case to supplant such **Federal**, State, and local public funds.*

INTENT: To ensure services provided with Title III funds are in addition to, and do not replace or supplant, services that students would otherwise receive.



## SEPT. 2016 GUIDANCE & SNS, A-4

A-4. Does the Title III supplement-not-supplant prohibition mean that States and LEAs can no longer use Title III funds for State or LEA EL-related activities that have moved from Title III to Title I?

## DEPARTING FROM TITLE III TO TITLE I

- Accountability Provisions
  - Eliminates §3122 AMAOs
- Parental Notification
  - ESSA strikes §3302, creates §1112(e)(3)
  - Nearly Identical

## SEPT. 2016 GUIDANCE & SNS, A-4

- A-4. Title III funds may be used for activities relating to ELs that were previously required under Title III and now required under Title I as long as:
  - 1) The specific use of funds is consistent with the purpose of Title III and meets Federal guidelines for “reasonable and necessary costs;”
  - 2) The specific use of funds is supplemental to civil rights obligations under Title VI of the Civil Rights Act & EEOA; and
  - 3) Can demonstrate that also using Title III funds to conduct activities required under Title III.

## A-12. MAY AN LEA USE TITLE I AND TITLE III FUNDS ON THE SAME ACTIVITY?

- Yes, assuming SNS guidelines are met.
  - Example: Supplemental EL math specialist

## SNS & ASSESSMENTS (A-6-8)

- May not use Title III funds...
  - to develop the annual English language proficiency (ELP) assessment.
  - to administer the annual ELP assessment.
  - for purposes relating to identification of ELs.
- States may use Title I or Title III administrative funds, alone or consolidated, to align the ELP assessment with the ELP standards (though amount of funds restricted.)
- States may use State Assessment and Enhanced Assessment Grant funds to develop or align State ELP assessments.
- LEAs may use State Assessment Grants to administer ELP assessments or provide for appropriate accommodations for ELs with disabilities on the ELP assessment.

# REPORTING

- Timing remains the same
  - At the conclusion of every second fiscal year during which the subgrant is received
- Report must include:
  - Description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately receding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with state or local funds.
  - Reporting on the number and percentage of ELs...

# REPORTING

- Must report on number and percentage of ELs...
  - Making progress toward achieving English proficiency
    - Disaggregated by disability
  - Attaining English proficiency
  - Meeting challenging State academic standards for each of the 4 years after exiting EL status (Guidance Part J: “Former ELs”)
    - Disaggregated by disability
    - Must include results on content assessments for reading/language arts, mathematics, and science (J-1)
- NEW. Who have not attained proficiency within 5 years of initial classification as an EL and first enrollment in the LEA
  - Guidance, Part I: “Long-Term English Learners”
  - From Initial Classification, regardless of move to new LEA (I-2)
- NEW. Any other info that the SEA may require.



# RESOURCES

## **HTTPS://WWW.ED.GOV/ESSA**

- ESSA Title III Guidance (Sept. 23, 2016)

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiii guidenglishlearners92016.pdf>

- Addendum (1/ 2/19):

<https://www2.ed.gov/policy/elsec/leg/essa/elandtitleiii addendum1219.pdf>

- Resource Guide: Accountability for English Learners under the ESSA (Jan. 18, 2017)

<https://www2.ed.gov/programs/sfgp/eseatitleiii resourceaccountelsguide.pdf>

- ESSA Early Learning Guidance (January 17, 2017)

<https://www2.ed.gov/programs/sfgp/eseatitleiii resourceaccountelsguide.pdf>

- ESSA Fiscal Changes & Equitable Services Guidance (November 21, 2016)

<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

# **TITLE IV UNDER ESSA**

# THE NEW TITLE IVA

- Every Student Succeeds Act passed in December of 2015
- Eliminated a large number of programs previously under Title IV and others
- Combined remaining programs into one flexible block grant: Student Support and Academic Enrichment Grant

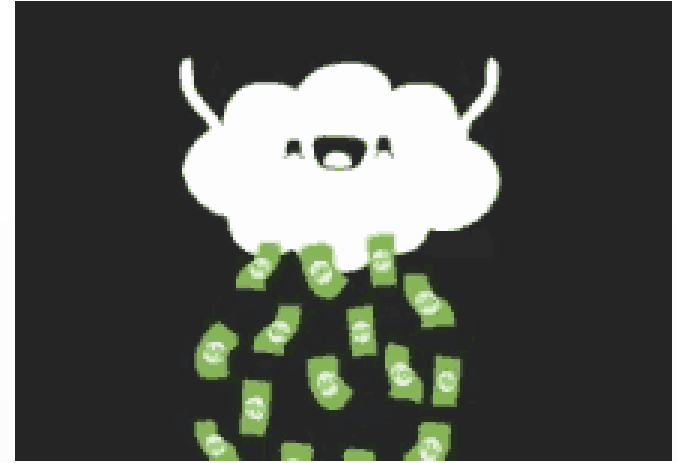


# STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

- Purpose: To improve students' academic achievement by increasing the capacity of States, LEAs, schools, and local communities to—
  - provide all students with access to a well-rounded education;
  - improve school conditions for student learning; and
  - improve the use of technology in order to improve the academic achievement and digital literacy of all students.

# TITLE IVA ALLOCATION

- Formula granted to States based on share of Title IA
- At least 95% subgranted to LEAs based on share of Title IA
  - LEA may spend up to 2% on administration
  - LEAs must allocate funds into three categories:
    - “well-rounded educational opportunities”
    - “safe and healthy students”
    - Some portion funds to support effective use of technology
- Remainder reserved for State activities
  - State may reserve up to 1% of total allocation for administration



## TITLE IVA FUNDING

- FY 2017 → \$400 million in funding
  - 25% of authorized appropriation
  - Allowed States to allocate money competitively
    - Specific rules around distribution, allocation to types of LEAs
  - Or States could allocate by formula according to statute
    - OSSE allocated by formula
    - But much smaller amount available!
- FY 2018 → \$1.6 billion
  - Regular formula allocation only

## IVA ALLOCATION

- LEAs or consortia allocate funds to schools based on one or more of several factors, including schools that:
  - are among those with the greatest needs, as determined by the LEA;
  - have the highest numbers of students from low-income families;
  - are identified for comprehensive support and improvement under *Title I*, Part A of the *ESEA*;
  - are implementing targeted support and improvement plans under *Title I*, Part A of the *ESEA*; and/or
  - are identified as a persistently dangerous public school under section 8532 of the *ESEA*.

# IVA SPENDING RESTRICTIONS

- LEAs that receive **at least \$30,000** must spend:
  - At least 20% of funds on at least one “safe and healthy students” activity
  - At least 20% on at least one “well-rounded education” activity
  - Some portion of funds to support the effective use of technology
    - With no more than 15% **\*of this portion\*** to be spent on technology infrastructure





## IV A SPENDING RESTRICTIONS

- “Well-rounded educational opportunities” activities include (Sec. 4107):
  - Career and college counseling/guidance
  - Arts and music programs that promote problem solving and conflict resolution
  - STEM programming and activities
  - Accelerated learning
  - History, civics, economics, geography, foreign language, and environmental education
  - Community involvement

# IVA SPENDING RESTRICTIONS

- “Safe and Healthy Students” activities include (Sec. 4108):
  - Drug and violence prevention
  - School-based mental health services
  - Health and safety practices in school/athletics
  - Physical/nutrition education
  - Bullying and harassment prevention
  - Relationship-building schools
  - Dropout prevention and re-entry
  - Training for school personnel in drug, violence, trafficking, and trauma

# IVA SPENDING RESTRICTIONS

- “Effective use of technology” may include (Sec. 4109):
  - Professional learning tools, technology, devices, and content for adaptive learning programs
  - Building technological capacity
  - Developing strategies for use of digital learning technologies
  - Blended learning projects
  - Professional development
  - Remote access for students in rural/remote/ underserved areas

## TITLE IV A: NOTES

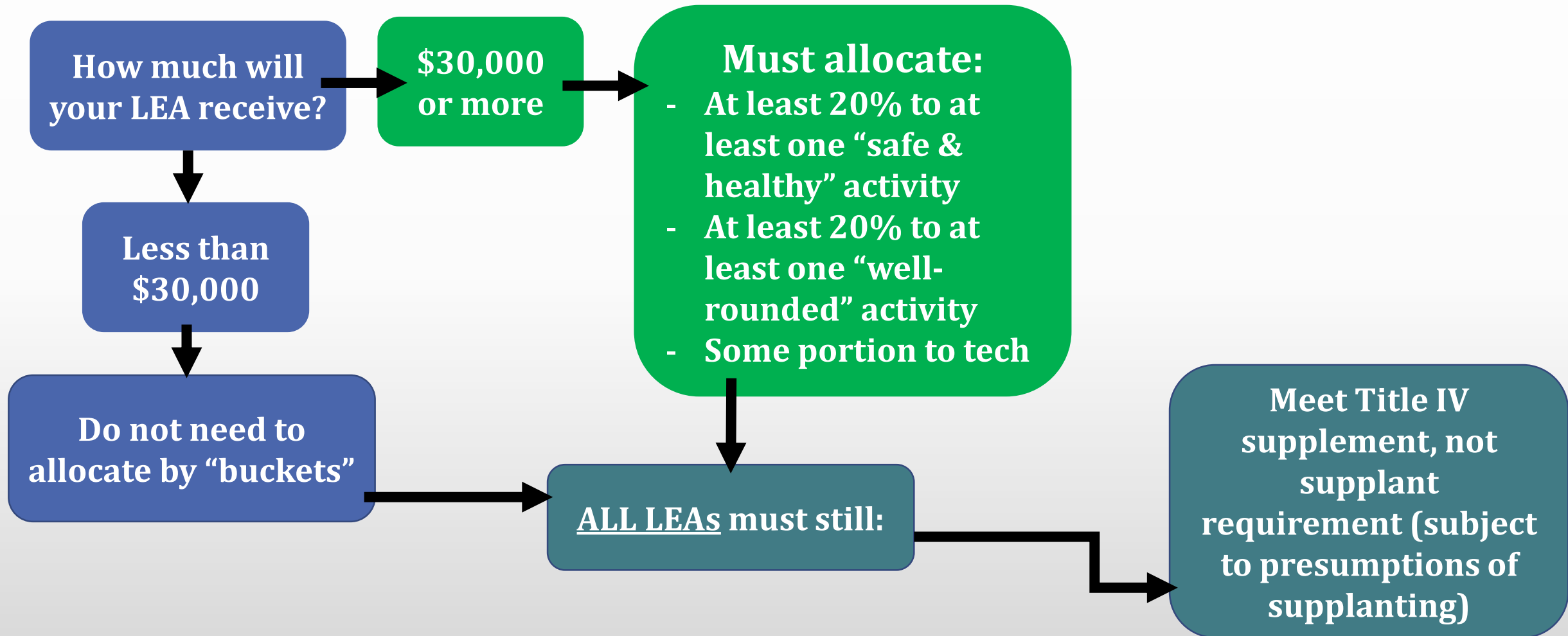


- These lists are not exhaustive!
  - ED guidance: “Examples of allowable SSAE Program activities listed... are not an exhaustive list, but rather describe a range of practices that are illustrative of allowable activities under the law”
- Math intended to be flexible ( $20\% + 20\% + 1\% < 100\%$ )
- But... “buckets” always apply, even to schoolwide/consolidated schools
  - Unless under \$30,000 per year

## ADDITIONAL REQUIREMENTS

- Funds made available under this subpart shall be used to supplement, and not supplant, non-federal funds that would otherwise be used for activities authorized under this subpart (Sec. 4110)
  - Presumptions of supplanting can apply here!
  - ED Guidance: “In no event may an SEA or LEA decrease the amount of State or local funds used to pay the cost of an activity simply because of the availability of the SSAE program funds. There is a presumption of supplanting if federal funds are used for State-required costs or costs previously covered with non-federal funds.”

# TITLE IVA BUDGETING





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